

Staff Summary Report



To: Mayor and City Council
Through: City Manager

Agenda Item Number 42
Meeting Date: 06/20/02

SUBJECT: ELITE STORAGE II, INC. #DRB02055

PREPARED BY: Bill Kersbergen, Principal Planner (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

BRIEF: Request by Elite Storage II, Inc. to appeal a Design Review Board condition for building repaint at 1403 West Baseline Road.

COMMENTS: **DESIGN REVIEW BOARD APPEALS (0102-05-03)** Request by **ELITE STORAGE II, INC** (Henry Becker/Elite Storage II, Inc., property owner) **#DRB02055** to appeal a Design Review Board condition for building repaint located at 1403 West Baseline Road, including the following:

Condition to be Appealed:

1. The paint colors shall be consistent with the originally approved building colors, which includes paint colors #168, Beige Pebble; #166, Wildwood; and #140, Juniper. The building repaint shall be completed by **June 17, 2002**.

Document Name: 20020620devsrh11

Supporting Documents: Yes

SUMMARY: Elite Storage II was originally approved with three paint colors: Dunn-Edwards Beige Pebble #168 for the body of the building; Wildwood #166 for an accent stripe, and Juniper #140 for a trim color. Approximately seven months ago, the north façade of the building was repainted. Code Compliance staff cited Mr. Becker for repainting to a new color without Design Review Board approval. Mr. Becker was given the option of either repainting the building to the original color scheme or obtaining Design Review Board approval of the new color pallet. The building owner originally stated that the new paint was the originally approved color, and that the perceived difference is due to fading, and the application technique. The Design Review Board and Staff have reviewed and compared color samples of the original paint selection with the colors of the building and find the new paint to be substantially different from what was originally approved and inappropriate for this location. The Design Review Board approved the requested building paint modification with the added condition that the originally approved color scheme be used.

RECOMMENDATION: Staff – denial of the proposed (and applied) colors.
Design Review Board – Approval of a building repaint, with condition to repaint the building to the original color scheme.

ATTACHMENTS:

1. List of Attachments
 2. History & Facts / Description
 3. Conditions of Approval
-
- A. Location Map
 - B. Letter from Code Enforcement, dated March 8, 2002.
 - C. Design Review Board approval letter, dated April 18, 2002.
 - D. Letter of Appeal from Mr. Becker.
 - E. Petition list provided by Mr. Becker.
 - F. Verification of Appeal Fee.

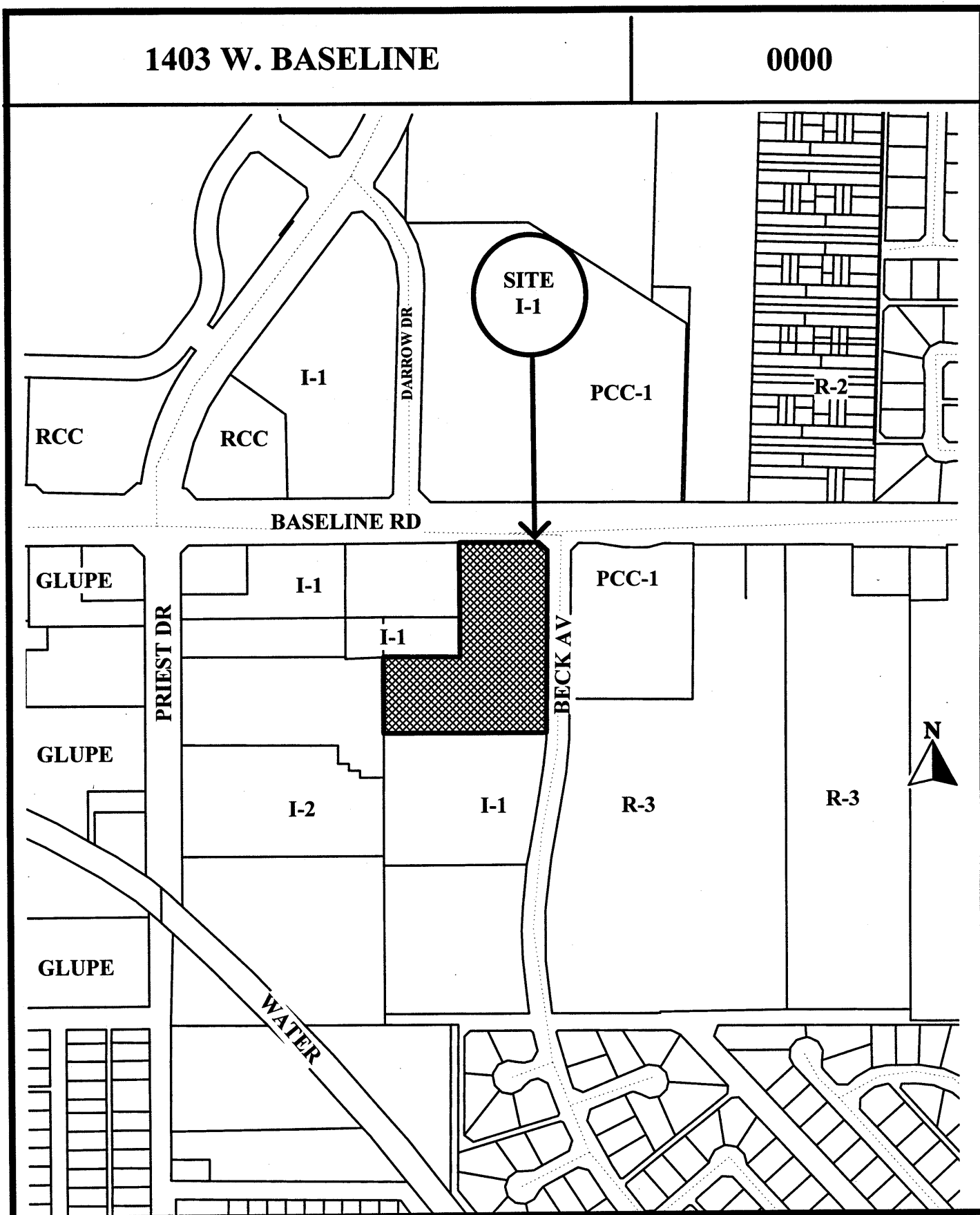
HISTORY & FACTS:

1978. Tempe General Plan was amended to indicate the subject site as Industrial Zoning.
- August 2, 1994. Hearing Officer approved a request by Michael J. Curley, representing Arizona Storage Inn, for a variance to reduce the west and south side yard setbacks from 12 feet to 0 feet, and a variance to reduce the street side yard setback along Beck Avenue from 30 feet to 20 feet to allow for the encroachment of three (3) architectural projections.
- September 7, 1994. Design Review Board approved a request for building elevations, site plan and landscape plan for Arizona Storage Inns, located at 1403 West Baseline Road in the I-1, Light Industrial District.
- February 15, 1995. The Design Review Board approved the request for a building addition and site plan for Becker Storage located at 1403 West Baseline Road in the I-1, Light Industrial District and I-2, General Industrial Zoning District.
- February 21, 1995. The City of Tempe Hearing Officer approved the request for the following by Becker Storage located at 1403 West Baseline Road in the I-1, Light Industrial Zoning District:
- a. Variance to reduce the required west side yard setback from 12' to 0';
 - b. Variance to reduce the required south rear yard setback from 12' to 10'.
- August 5, 1997. The Design Review Board approved the modification–expansion of existing site for Elite Storage II located at 1403 West Baseline Road in the I-1, Light Industrial Zoning District.
- November 20, 2001. The first of three (3) compliance notices was mailed to Mr. Henry Becker regarding the paint modification at 1403 West Baseline Road in the I-1, Light Industrial Zoning District.
- April 17, 2002 The Design Review Board approved a repaint of the facility to the originally approved colors: Beige Pebble #168, Wildwood #166 and Juniper #140, and required that the repaint be completed by June 17, 2002.

DESCRIPTION: Owner - Same
Applicant - Henry Becker/Elite Storage II, Inc.

**CONDITION(S)
OF APPROVAL:**

1. The building at 1403 West Baseline Road, **ELITE STORAGE II, INC.** shall be repainted consistent with the originally approved color pallet and scheme, including colors to match "Dunn Edwards" #168, Beige Pebble, for the body of the structure; #166 Wildwood for accent banding; and #140 Juniper for metal trim elements.
2. The building repaint, including all elevations, shall be completed prior to August 20, 2002.



Location

City of Tempe
P. O. Box 5002
31 East Fifth Street
Tempe, AZ 85280
www.tempe.gov



Development Services
Planning

March 8, 2002

Henry Becker
C/O Rose Inc/Elite Storage
1403 W. Baseline Rd.
Tempe, AZ 85283

RE: 1403 W Baseline Rd, Tempe AZ

Dear Mr. Becker,

This is a follow-up to my letter of December 24, 2001 in which I indicated to you the necessity to comply with the original paint colors approved by the City of Tempe Design Review Board by January 31, 2002. Your other option was to request Design Review Board approval for the color change on your storage units at 1403 W Baseline Rd in Tempe. You have failed to pursue either of these options.

Further research indicates that the originally approved colors for Elite Storage were all Dunn Edwards paints. The approved colors and locations were: color #168, Beige Pebble for the stucco/tilt-walls, #166, Willdwood, for the split-faced block, attic vents, wood fascia and tilt-wall reveals and #140, Juniper for the steel gates, fence and pipe bollards. Attached is a copy of the original plans submitted by your architect. The paint that was most recently used to repaint the Elite Storage office area, sign base, and north facing walls are clearly not the originally approved colors.

Again, your options are as follows:

1. Repaint the newly painted surfaces by April 2, 2002 with the originally approved colors as indicated above and on your approved plans.
2. Request Design Review Board approval to maintain the existing paint colors by no later than the April 2, 2002 DRB deadline (for an April 17th hearing date).

Failure to comply with one of these two requests by April 2, 2002, will result in our office requesting that criminal charges be filed against you for violation of Tempe City Code, Chapter 11, Section 9, altering the paint color of a plan approved by the Design Review Board. Potential penalties may include a fine of up to \$2,500 plus applicable surcharges, or up to six months imprisonment, or both.

If you have any questions regarding this letter, please feel free to contact me at 480-350-8076.

Respectfully,

Jan Koehn
Code Compliance Manager

Cc: Bill Kersbergen, Principal Planner
File CE014222

Development Services
Department

(480) 350-8331

April 18, 2002

Henry Becker
Elite Storage II, Inc.
9643 East Vereda Solana
Scottsdale AZ 85255

RE: **DRB02055 / DS020424 – ELITE STORAGE II, INC.**

Dear Mr. Becker:

At its meeting of April 17, 2002 the Design Review Board approved the building repaint for **ELITE STORAGE II, INC.** located at 1403 West Baseline Road in the I-1, Light Industrial District subject to the following condition:

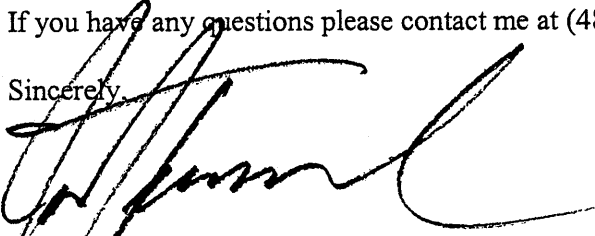
1. The paint colors shall be consistent with the originally approved building colors, which includes paint colors #168, Beige Pebble; #166, Wildwood; and #140, Juniper. The building repaint shall be completed by **June 17, 2002**.

For your benefit, we have attached a partial list of **Ordinance Requirements**. It is necessary for you to be familiar with this list, and the ordinance in general, so that the project will satisfy the requirements of the City of Tempe. **Note: A complete Zoning Ordinance can be accessed through www.tempe.gov/tdsi/planning/ord808, or purchased at Development Services.**

This approval is based on compliance with the plans submitted as part of the application with such modifications as may be required by any conditions listed above. This Design Review approval is valid until **April 17, 2003**. In the event you desire to appeal the conditions of approval, you must submit an appeal letter to the Tempe City Clerk within fourteen (14) calendar days of the above hearing date. Identify the conditions(s) upon which you are basing your appeal. A fee of \$300.00 payable to the Tempe Development Services Department is then required prior to scheduling for City Council action.

If you have any questions please contact me at (480) 350-8441.

Sincerely,



Jeff Tarnulevich
Planner II
Development Services Department

JT/dg

Elite Storage II, Inc.
1403 West Baseline Road
Tempe, Arizona

April 30, 2002

City of Tempe
PO Box 5002
31 East 5th Street
TEMPE, AZ 85282-5002

Re: Letter of Appeal to: DRB02055 / DS020424-Elite Storage II, Inc.

Attn: Tempe City Clerk

Tempe City Clerk,

We would like to appeal the findings of the Design Review Board on April 17, 2002 regarding the repainting of our business. We, at Elite Storage II, Inc., 1403 West Baseline Road, Tempe, AZ, take great pride in the appearance and maintenance of our facility. The City of Tempe recognized our pride by giving us an award for the best new business project in Tempe our first year of operation.

The initial paint was applied in August of 1995. The severe Arizona sun has caused substantial fading and we felt it was necessary to give the property our desired clean look. November 2001 we began repainting with colors we thought to be very close to the original colors. We received a "Courtesy Notice" mailed 11/29/01 referencing case CE012800 from one Lucy Morales-Code Compliance Inspector for the City of Tempe. We called to find out what the notice was in reference to and were surprised when Ms. Morales said a complaint had been made to her about the colors. We asked that she and her supervisor meet with us on site to discuss the complaint. Lucy Morales and Jan Koehn came to the property and toured the facility, Ms. Koehn indicated to Henry Becker at that time that she was not against the new paint.

We received notification that we must ^{to} paint the original colors from Ms. Koehn or request Design Review Board approval for the colors we applied. We were still puzzled- we had not, to our minds, "changed" the colors and had also found out that Ms. Morales had received NO complaint about our colors. We made an appointment to meet with Mayor Giuliano on February 5, 2002, this appointment was cancelled by the Mayor's office-it took us several weeks to reschedule to the first part of April.

March 8, 2002 Ms. Jan Koehn sent us another notification to change the colors to the original colors which she indicated were Dunn Edwards Paint colors #168, Pebble Beige for the walls, #166, Wildwood for the accents and #140 Juniper for the steel gates. We

Elite Storage II, Inc.
1403 West Baseline Road
Tempe, Arizona

went to Dunn Edwards for the color samples-the walls were never painted #168, Pebble Beige. The facility was painted in 1995 with a color that we referred to as "Pepto Bismol" pink, it was so bright that the City of Tempe was called with our concern about the color-we were told the paint was to remain as applied.

Mid April 2002 we contacted the paint contractor who referred us to Sunlife Paint, 2424 S. 15th Place, Phoenix, AZ. The original paint applied to the walls was Dunn Edwards #163, Dusty Coral. Sunlife Paint was kind enough to provide us with the original paint samples and the formula to make the colors.

Nancy Baurichter spoke with Mr. Bill Kersbergen for assistance with the Project Submittal form and he indicated which requirements on the application must be included. Ms. Baurichter met with Mr. Kersbergen on April 1, 2002 to review our application and to tell him of the discrepancy in the paint referenced on the August 18, 1994 plans and the paint that the City of Tempe had us apply in August of 1995. Mr. Kersbergen had the paint sample for the two wall colors and could see the obvious difference. He asked for something in writing requesting the change, unfortunately the paint contractor could not locate the paperwork indicating the change-please recall that we contacted the City of Tempe to question the color being applied to our facility in 1995. We met with the Mayor in April and were told that we should proceed with the application to the Design Review Board.

We feel that it is very apparent that the City of Tempe made the paint color change. Per Tempe Ordinances failure to comply with approved paint colors can result in the withholding of a new project's Certificate of Occupancy. We were granted our Certificate of Occupancy in 1995. The City Inspector was so thorough that he was going to withhold the Certificate of Occupancy because there was no shower curtain rod in the manager's bathroom-there is no way he would have overlooked the bright pink walls had it not been the City of Tempe's approved color.

The design Design Review Board heard our case on April¹⁷, 2002 and has ordered us to repaint our facility such that "the paint colors shall be consistent with the originally approved building colors, which includes paint colors #168, Pebble Beige; #166 Wildwood; and #140, Juniper. The building repaint shall be completed by June 17, 2002." We feel that the Tempe Planning & Code Compliance Division did not fairly consider our honest attempt to repaint with no changes. They obviously did not consider the change of color from the August 1994 plans (#168, Pebble Beige) to the color we were told by the City of Tempe to apply (#163, Dusty Coral). Mr. Kersberger told Ms. Baurichter that he did not like the colors on the facility and that he would be recommending to the Design Review Board to change the color to the original #168, Pebble Beige a color that was NEVER applied to our walls.

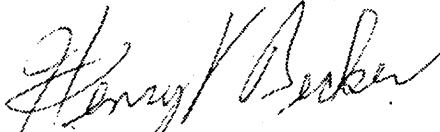
Elite Storage II, Inc.
1403 West Baseline Road
Tempe, Arizona

The City of Tempe should support the attempt of businesses to maintain their properties. The Design Review Board's decision that Elite Storage II, Inc. walls should be repainted a color *referenced* on a plan submitted one year before the paint (a color that we questioned to the City of Tempe) was applied is a terrible injustice financially and, we feel, an abuse of the trust given by the business community and the residents of Tempe.

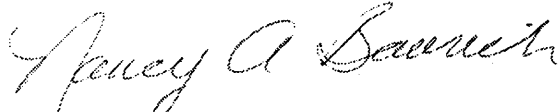
Our customers and our neighbors have been kind enough show their support to our efforts and their approval of our colors by signing the enclosed "petition".

We look forward ~~an opportunity~~ to an opportunity to appeal the Design Review Board's decision. Should you need further information please contact us at 602-996-1505.

Thank you,



Henry V. Becker



Nancy A. Baurichter

Elite Storage II

1403 W. Baseline Rd
Tempe, Arizona 85283

Do you like, and would you support the charcoal, painted colors of Elite Storage II?
(PLEASE PRINT)

NAME	ADDRESS	REASON WHY YOU LIKE COLORS
Roggy Walker	4605 S Priest Dr. 134	It's easy to find
Chad L. Lee	2354 W. University 204	Easy to locate
Ann Correll	925 W. Baseline #105	Brightness
REBECCA CHASE	1130 E MONROE PHX AZ 85034	Looks nice.
JIM MCCOY JR	1925 E. HICKORY DR ^{TEMPE} 85122	OK
Frank Valencia	4323 E Carson Rd. PHX. AZ 85042	Looks nice
William J. Allen	PO Box 2660 Tempe AZ 85285	Easy to find - I like it
W. M. Bell	15025 W 104 St Phx AZ 85037	Color makes it easy to find
Reinard Murphy	1803 Walton Court ^{Casa} Mesa CO 80104	- easy to find
W. Edlund	1320 W Monte Ave ^{Mesa} AZ 85202	easy to locate
Steven E. Barnard	699 E Baseline Rd	I like it
JACKIE BECKETT	11703 EASTSHORE DR	CLEAN, GOOD MGMT
CARLOS GONZALEZ	1320 W. Broadway, RD #304 ^{TEMPE} 85282	EASY TO LOCATE
CARLTON CLARK	820 W UNIVERSITY DR #15 ^{TEMPE} AZ	I LIKE IT
Joan Keepers	732 W. Rill	
LISA GUBERD	824 S. MILL AVE #204	There Cool why change it
MANUEL S. MARRIQUET	9241 Calle Santos Apt 25 Guadalupe AZ	Clean Good MGMT
CHRIS PARISI	4849 SO. DARROW ^{TEMPE}	LOOKS GOOD KEEP IT!
Darrell Ingram	1424 E. Baseline RD #1042	Can't miss it
TIM NORTHROP	4620 E. DESPT DR PHOENIX	LOOKS GOOD,
Brenda K. Reed	1655. Southern Ave.	Look Fine

Elite Storage II

1403 W. Baseline Rd
Tempe, Arizona 85283

do you like, and would you
support the chosen and painted
colors of Elite Storage II?
(PLEASE PRINT)

NAME	ADDRESS	REASON WHY you like colors
1117 PC Rios	10841 E. McDowell	Bright
Jeff Gwynn 917	1228 S. Oneida	Colorful
Nancy Sutton	304 W Southern Ave, Phoenix	Colorful
543 Mary Estrella	5422 S. Parkside Dr Tempe	Colorful
428 Dan Standover	3224 E Fremont Rd Phoenix	Colorful Tropical
9114 Jim	P.O. Box 87287 Phoenix 85080	Vacation Colorful
1231 Matt Gunlock	414 Adelphi Drive	Easily Visible
Wattman Lee	4716 E Apollo	Easily Visible
1125 Lonnie Smith	2223 E. Mobile Ln	Easily Visible
9118 SANDI FOLEY	4321 E Frye Rd	SW Colors/easy to spot
Del Johnson	1580 S 5th St Rd Gilbert	Pretty Colors
9118 MIKE FOLEY	4321 E Frye Rd	Neat Colors
635 REGINALD KENNEDY	P.O. Box 11675 TEMPE	SUBTLE COLORS
845 Kathleen Miles	702 E. Taylor St. Tempe	Easily Visible
429 Andrea Freese	4605 S Priest #156 Tempe	Just Plain Pretty
OT Whitmore	4605 S. Priest #156 Tempe	Beautiful
301 Camell Bennett	4221 E. Ray Rd Tempe	Good colors
Curmu Sloan	525 S. Forest #301 Tempe	easy to find
Sandra Bensley	" "	" " "
E Lasso Walker	122 W. Beverly Rd	Beautiful

Elite Storage II

1403 W. Baseline Rd
Tempe, Arizona 85283

do you like, and would you
support the chosen and painted
color of Elite Storage II?
(PLEASE PRINT)

NAME	ADDRESS	REASON WHY YOU LIKE COLORS
Doris Sattler	6825 S. Roosevelt / ⁴⁸⁰⁻⁴⁵⁸⁻²⁹⁶² Tempe	it's a beautiful color
MANUE / GONZALEZ	1830 W. BROADWAY TEMPE AZ.	
Stephen Jones	530 E. JULIE DR TEMPE AZ 85283	DOESN'T BOTHER ME,
Tammi Nichols	PO box 25822,	color is fine /
FLORENTINO ALVAREZ	4940 S. WENDEN DR	OK
Esther Perez	1235 W. BASELINE RD	OK.
ANTAX MANDINE	6617 S SAILOR'S REST ROAD	leave the paint job alone! LOOKS GREAT
Kris Schneider	2634 W. Calle Del Norte	It's a free country, support innovation and creativity.
X X X X	X X X X X X	easy to spot the building
Oscar Guizar	4235 E CARSON RD.	Reasoning 3 clean
Rafael Chirreale	PO Box 10703	easy to locate building
Ebonie Lewis	5601 S. 21ST ST P.O. BOX 39729	Keep the color, it's perfect
Kathleen Dany	12249 S PAINE ST PHX AZ 85044	CONTRAST WITH SONORAN DESERT Good Design
Maria Franco	1418 N. 31ST PL., PHX, AZ 85008	Bright Attracts Eyes
145	1933 W. MAIN ST MESA, AZ 85201	I've always appreciated the cheer & colors
Marilyn F Powell	1450 W La Jolla Dr Tempe 85082	OK
145	1540 Fountainhead Pkwy, Tempe 85282	I liked
Debra Haxha	4839 S. DOWNEY DR, Tempe AZ 85282	I LOVE IT! IT'S VERY CHEERY!
Theresa M. Ryan	P.O. BOX 24251, TEMPE, AZ 85285	I LOVE IT.
Gloria R. Bell	5120 N 22ND ST. PH.	CONT. MESS WITH IT

1403 W. Baseline Rd
Tempe, Arizona 85283

(PLEASE PRINT)

NAME	ADDRESS	REASON WHY YOU LIKE COLORS:
Camille Allen	750 W. Baseline Rd. #1094 85283	The colors are bright + beautiful
Domitilla de Genaro	13200 S. 48th St #1009.	The colors look great
JOHN OLLEY	1921 E. VAUGHN	EASY TO FIND &
Debbie Boyle	4632 E Minton	EASY to find, pretty
Delores Brown	4632 E. Minton	The color is great
Chris Straliger	4168 E. Wayland	Can't miss it.
Alex Story	8650 S. 48th	Looks nice
Karyn Fortelow	1050 S ARIZONA	pretty bright
PAT HANWIGAN	9578 E. PASO SAN BERNARDO	LOOKS FINE, EASY TO FIND
Kevin Jones	1708 W. Wildwood Dr.	LOOKS Nice Very close
Orien Trammell	11221 S. 51 st St. #3044	nice
Lambert Kett	750 W BASELINE	CAN'T MISS IT!
D. Jaeger	PO Box 23915 Tempe	Enjoy Bright Colors
M KEB	6505 S. McKinn St Tempe	LOVE PINK

ELITE STORAGE II, INC.
9643 EAST VEREDA SOLANA
SCOTTSDALE, AZ 85255

WELLS FARGO BANK
91-119/1221

4563

4/30/2002

PAY TO THE ORDER OF City of Tempe

\$ **300.00

Three Hundred and 00/100***** DOLLARS



MEMO Fee for Appeal to DRB02055 to City Council

Mary A. Sanchez

⑈004563⑈ ⑆122101191⑆ 0822 630935⑈